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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

|                            |   |                                |
|----------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA,  | ) | CR. NO. 04-00053 DAE           |
|                            | ) |                                |
| Plaintiff,                 | ) | STIPULATION AND ORDER          |
|                            | ) | CONTINUING TRIAL DATE AND      |
| vs.                        | ) | EXCLUDING TIME UNDER THE       |
|                            | ) | SPEEDY TRIAL ACT               |
| SILVER JOSE GALINDO,       | ) |                                |
| (a.k.a. DANIEL S. GALINDO) | ) |                                |
| (a.k.a. TIMOTHY MAU)       | ) | OLD TRIAL DATE: Sept. 11, 2007 |
|                            | ) | NEW TRIAL DATE: Oct. 10, 2007  |
| Defendant.                 | ) |                                |
| _____                      | ) |                                |

STIPULATION CONTINUING TRIAL DATE AND  
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

A. At the request of defense counsel, Jack Schweigert, Esq., and with no objection by the government, the United States of America and the Defendant, SILVER JOSE GALINDO, a.k.a. DANIEL S. GALINDO, a.k.a. TIMOTHY MAU, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from September 11, 2007

to October 10, 2007 from computation under the Speedy Trial Act. The reason for the continuance is because defense counsel is scheduled for emergency surgery on September 6, 2007 and will need time to recover from this surgery. Therefore, defense counsel needs additional time to adequately prepare for trial.

B. The parties further agree that the ends of justice served by the continuance outweigh the best interests of the Defendant and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely to result in a miscarriage of justice.

2. The failure to grant the continuance would unreasonably deny the defendant continuity of counsel and deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

C. The parties further agree that the period of time from September 11, 2007 to and including October 10, 2007, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must

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commence pursuant to the Speedy Trial Act, 18 U.S.C.

§§ 3161(h)(8)(A) and (h)(8)(B).

DATED: September 5, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Darren W.K. Ching  
DARREN W. K. CHING  
Assistant U.S. Attorney

/s/ Jack Schweigert  
JACK SCHWEIGERT, ESQ.  
Attorney for Defendant  
SILVER JOSE GALINDO,  
a.k.a. DANIEL S. GALINDO,  
a.k.a. TIMOTHY MAU

ORDER CONTINUING TRIAL AND EXCLUDING SPEEDY TRIAL ACT TIME

The above Stipulation Continuing Trial Date And Excluding Time Under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial are set for October 10, 2007.

IT IS FURTHER ORDERED that the period of time from September 11, 2007 to and including October 10, 2007, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED September 6, 2007, at Honolulu, Hawaii.



  
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David Alan Ezra  
United States District Judge

USA v. SILVER JOSE GALINDO

Cr. No. 04-00053 DAE

"Stipulation and Order Continuing Trial Date and Excluding Time under the Speedy Trial Act"